

# Exhibit E

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**From:** Gavin Simpson <Gsimpson@kreindler.com>  
**Sent:** Wednesday, May 4, 2022 11:15 AM  
**To:** Shen, Andrew C.; Steven R. Pounian; Kreindler, James; Maloney, III, Andrew; 'Carter, Sean'; Tarbutton, Joseph; zJodi W. Flowers; Goldman, Jerry; 'Strong, Bruce'; zRobert Haefele; Megan Bennett  
**Cc:** Kellogg, Michael K.; Rapawy, Gregory G.; 'rkry@mololamken.com'; 'Nitz, Eric'  
**Subject:** [EXTERNAL] Re: In re: 9/11 - MPS materials

Counsel,

We are establishing and checking the weblinks for you to be able to review the MPS Material with password access. I anticipate being able to share the password with you by tomorrow, along with appropriate notes to facilitate your review.

Again, we disagree with your characterizations in your email correspondence. We have conducted all of our activities in a manner consistent with the Protective Orders in this MDL and we will continue to do so.

It is clearly inappropriate on your part, and it pits you against the principles of open justice, to attempt to discredit the declassification of vital 9/11 evidence as some kind of "public relations effort."

Regards

Gavin

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**From:** Shen, Andrew C.  
**Date:** Tuesday, 3 May 2022 at 11:24  
**To:** Gavin Simpson , Steven R. Pounian , Jim Kreindler , Andrew J. Maloney , 'Carter, Sean' , zScott Tarbutton , zJodi W. Flowers , Goldman, Jerry , 'Strong, Bruce' , zRobert Haefele , Megan Bennett  
**Cc:** Kellogg, Michael K. , Rapawy, Gregory G. , 'rkry@mololamken.com' , 'Nitz, Eric'  
**Subject:** RE: In re: 9/11 - MPS materials

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Gavin –

We look forward to receiving the link to the file share for the redacted MPS documents.

As set forth in our prior correspondence and as we discussed on the meet and confer call last Friday, it was a clear violation of the MDL Protective Order for the Kreindler firm to publish the MPS production on the web to further Plaintiffs' public relations efforts. There is no legitimate litigation reason to publish, for instance, photos of Mr. Bayoumi's wife in her hospital bed. On Friday's call, we asked for Plaintiffs' commitment that after we finish the confidentiality review of the MPS material, Plaintiffs will not re-publish discovery material and furthermore that, consistent with the MDL Protective Order, they will use discovery material solely for purposes of litigating Plaintiffs' claims. Please let us know your position on this.

Regards,

Andy

---

**From:** Gavin Simpson

**Sent:** Friday, April 29, 2022 9:50 PM

**To:** Shen, Andrew C. ; Steven R. Pounian ; Kreindler, James ; Maloney, III, Andrew ; 'Carter, Sean' ; Tarbutton, Joseph ; zJodi W. Flowers ; Goldman, Jerry ; 'Strong, Bruce' ; zRobert Haefele ; Megan Bennett

**Cc:** Kellogg, Michael K. ; Rapawy, Gregory G. ; 'rkry@mololamken.com' ; 'Nitz, Eric'

**Subject:** [EXTERNAL] Re: In re: 9/11 - MPS materials

Counsel,

we instructed the tech team to take down the webpage at the URL you shared with us during this afternoon's meet and confer. Our guidance on refreshing your web browser and clearing your cache applies as before.

We place on record two points.

First, your demand that Plaintiffs should retroactively withdraw a webpage conveying public material of obvious relevance to the 9/11 Families we represent, not subject to any classification and not revealing any Confidential Information, goes beyond your originally stated goal of protecting Omar al-Bayoumi's private banking records and images of his children.

Second, we reiterate that we have done nothing inappropriate. Plaintiffs have not put the MPS Material to any purpose outside of this litigation.

Accordingly we reserve all rights.

Plaintiffs' temporary removal of the MPS material from open access is intended to give you additional time to review the documents – "promptly," as you have assured us – and to work together on appropriate redactions, if any.

Toward that end, we will make available to counsel, via an online file-share, the MPS Material as redacted by Plaintiffs to protect minors. This will offer you a basis on which to particularize your proposals for Confidentiality designations.

We count on a constructive collaboration.

Regards

Gavin

**Gavin Simpson**

Of Counsel

Kreindler & Kreindler LLP



485 Lexington Ave      T: +1.212.973.3409      E-mail: [gsimpson@kreindler.com](mailto:gsimpson@kreindler.com)  
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**From:** Shen, Andrew C. <[ashen@kellogghansen.com](mailto:ashen@kellogghansen.com)>

**Date:** Friday, 29 April 2022 at 15:36

**To:** Gavin Simpson <[Gsimpson@kreindler.com](mailto:Gsimpson@kreindler.com)>, Steven R. Pounian <[Spounian@kreindler.com](mailto:Spounian@kreindler.com)>, Jim Kreindler <[JKreindler@kreindler.com](mailto:JKreindler@kreindler.com)>, Andrew J. Maloney <[AMaloney@kreindler.com](mailto:AMaloney@kreindler.com)>, 'Carter, Sean' <[SCarter1@cozen.com](mailto:SCarter1@cozen.com)>, zScott Tarbutton <[starbutton@cozen.com](mailto:starbutton@cozen.com)>, zJodi W. Flowers <[jflowers@motleyrice.com](mailto:jflowers@motleyrice.com)>, Goldman, Jerry <[jgoldman@andersonkill.com](mailto:jgoldman@andersonkill.com)>, 'Strong, Bruce' <[Bstrong@andersonkill.com](mailto:Bstrong@andersonkill.com)>, zRobert Haefele <[rhaefele@motleyrice.com](mailto:rhaefele@motleyrice.com)>, Megan Bennett <[Mbenett@kreindler.com](mailto:Mbenett@kreindler.com)>

**Cc:** Kellogg, Michael K. <[mkellogg@kellogghansen.com](mailto:mkellogg@kellogghansen.com)>, Rapawy, Gregory G. <[grapawy@kellogghansen.com](mailto:grapawy@kellogghansen.com)>, 'rkry@mololamken.com' <[rkry@mololamken.com](mailto:rkry@mololamken.com)>, 'Nitz, Eric' <[enitz@mololamken.com](mailto:enitz@mololamken.com)>

**Subject:** RE: In re: 9/11 - MPS materials

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<https://www.kreindler.com/news/trove-of-911-evidence-seized-by-uk-police-in-2001-now-made-public>

Here is the URL that we are discussing

---

**From:** Shen, Andrew C. <[ashen@kellogghansen.com](mailto:ashen@kellogghansen.com)>

**Date:** Friday, 29 April 2022 at 14:44

**To:** Gavin Simpson <[Gsimpson@kreindler.com](mailto:Gsimpson@kreindler.com)>, Steven R. Pounian <[Spounian@kreindler.com](mailto:Spounian@kreindler.com)>, Jim Kreindler <[JKreindler@kreindler.com](mailto:JKreindler@kreindler.com)>, Andrew J. Maloney <[AMaloney@kreindler.com](mailto:AMaloney@kreindler.com)>, 'Carter, Sean' <[SCarter1@cozen.com](mailto:SCarter1@cozen.com)>, zScott Tarbutton <[starbutton@cozen.com](mailto:starbutton@cozen.com)>, zJodi W. Flowers <[jflowers@motleyrice.com](mailto:jflowers@motleyrice.com)>, Goldman, Jerry <[jgoldman@andersonkill.com](mailto:jgoldman@andersonkill.com)>, 'Strong, Bruce' <[Bstrong@andersonkill.com](mailto:Bstrong@andersonkill.com)>, zRobert Haefele <[rhaefele@motleyrice.com](mailto:rhaefele@motleyrice.com)>, Megan Bennett <[Mbenett@kreindler.com](mailto:Mbenett@kreindler.com)>

**Cc:** Kellogg, Michael K. <[mkellogg@kellogghansen.com](mailto:mkellogg@kellogghansen.com)>, Rapawy, Gregory G. <[grapawy@kellogghansen.com](mailto:grapawy@kellogghansen.com)>, 'rkry@mololamken.com' <[rkry@mololamken.com](mailto:rkry@mololamken.com)>, 'Nitz, Eric' <[enitz@mololamken.com](mailto:enitz@mololamken.com)>

**Subject:** RE: In re: 9/11 - MPS materials

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Gavin –

We would like to proceed with the meet and confer to discuss Plaintiffs' publication of the MPS materials and next steps. Talk to you at 3:30pm.

Thanks,

Andy

---

**From:** Gavin Simpson <[Gsimpson@kreindler.com](mailto:Gsimpson@kreindler.com)>

**Sent:** Friday, April 29, 2022 2:36 PM

**To:** Shen, Andrew C. <[ashen@kellogghansen.com](mailto:ashen@kellogghansen.com)>; Steven R. Pounian <[Spounian@kreindler.com](mailto:Spounian@kreindler.com)>; Kreindler, James <[jkreindler@kreindler.com](mailto:jkreindler@kreindler.com)>; Maloney, III, Andrew <[amaloney@kreindler.com](mailto:amaloney@kreindler.com)>; 'Carter, Sean' <[SCarter1@cozen.com](mailto:SCarter1@cozen.com)>; Tarbutton, Joseph <[starbutton@cozen.com](mailto:starbutton@cozen.com)>; zJodi W. Flowers <[jflowers@motleyrice.com](mailto:jflowers@motleyrice.com)>; Goldman, Jerry <[jgoldman@andersonkill.com](mailto:jgoldman@andersonkill.com)>; 'Strong, Bruce' <[Bstrong@andersonkill.com](mailto:Bstrong@andersonkill.com)>; zRobert Haefele

<[rhaefele@motleyrice.com](mailto:rhaefele@motleyrice.com)>; Megan Bennett <[Mbenett@kreindler.com](mailto:Mbenett@kreindler.com)>

**Cc:** Kellogg, Michael K. <[mkellogg@kellogghansen.com](mailto:mkellogg@kellogghansen.com)>; Rapawy, Gregory G. <[grapawy@kellogghansen.com](mailto:grapawy@kellogghansen.com)>;

'rkry@mololamken.com' <[rkry@mololamken.com](mailto:rkry@mololamken.com)>; 'Nitz, Eric' <[enitz@mololamken.com](mailto:enitz@mololamken.com)>

**Subject:** [EXTERNAL] Re: In re: 9/11 - MPS materials

Counsel,

I have now received a firm assurance from the tech team that all weblinks to the MPS Material, including to individual items within the document archive, have been removed from public access.

Please kindly clear any cached pages from your browsers, and refresh those browsers, before attempting to click through to any previously displayed page. Access will be denied until further notice.

Plaintiffs have taken these steps in order to give you additional time to review the documents – “promptly,” as you have assured us – and to work together on appropriate redactions, if any.

It is my understanding that you are now in a position to confirm Plaintiffs’ compliance with your requests in your previous e-mails.

If you still wish to talk at 3.30pm, please could you indicate to us the issue(s) you propose to raise?

Regards,

Gavin

**Gavin Simpson**

Of Counsel



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---

**From:** Shen, Andrew C. <[ashen@kellogghansen.com](mailto:ashen@kellogghansen.com)>

**Date:** Friday, 29 April 2022 at 13:46

**To:** Gavin Simpson <[Gsimpson@kreindler.com](mailto:Gsimpson@kreindler.com)>, Steven R. Pounian <[Spounian@kreindler.com](mailto:Spounian@kreindler.com)>, Jim Kreindler <[JKreindler@kreindler.com](mailto:JKreindler@kreindler.com)>, Andrew J. Maloney <[AMaloney@kreindler.com](mailto:AMaloney@kreindler.com)>, 'Carter, Sean' <[SCarter1@cozen.com](mailto:SCarter1@cozen.com)>, zScott Tarbutton <[starbutton@cozen.com](mailto:starbutton@cozen.com)>, zJodi W. Flowers <[jflowers@motleyrice.com](mailto:jflowers@motleyrice.com)>, Goldman, Jerry <[jgoldman@andersonkill.com](mailto:jgoldman@andersonkill.com)>, 'Strong, Bruce' <[Bstrong@andersonkill.com](mailto:Bstrong@andersonkill.com)>, zRobert Haefele <[rhaefele@motleyrice.com](mailto:rhaefele@motleyrice.com)>, Megan Bennett <[Mbenett@kreindler.com](mailto:Mbenett@kreindler.com)>

**Cc:** Kellogg, Michael K. <[mkellogg@kellogghansen.com](mailto:mkellogg@kellogghansen.com)>, Rapawy, Gregory G. <[grapawy@kellogghansen.com](mailto:grapawy@kellogghansen.com)>,

'rkry@mololamken.com' <[rkry@mololamken.com](mailto:rkry@mololamken.com)>, 'Nitz, Eric' <[enitz@mololamken.com](mailto:enitz@mololamken.com)>

**Subject:** RE: In re: 9/11 - MPS materials

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Here is a dial in for the 3:30pm ET meet and confer call:

Meeting ID: 957 2273 1652

Passcode: 763485514

One tap mobile

+19292056099,,95722731652#,,,\*763485514# US (New York)

+13017158592,,95722731652#,,,\*763485514# US (Washington DC)

Dial by your location

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 957 2273 1652

Passcode: 763485514

Find your local number: <https://kellogghansen.zoom.us/u/agivCEnvN>

---

**From:** Gavin Simpson <[Gsimpson@kreindler.com](mailto:Gsimpson@kreindler.com)>

**Sent:** Friday, April 29, 2022 12:56 PM

**To:** Shen, Andrew C. <[ashen@kellogghansen.com](mailto:ashen@kellogghansen.com)>; Steven R. Pounian <[Spounian@kreindler.com](mailto:Spounian@kreindler.com)>; Kreindler, James <[jkreindler@kreindler.com](mailto:jkreindler@kreindler.com)>; Maloney, III, Andrew <[amalone@kreindler.com](mailto:amalone@kreindler.com)>; 'Carter, Sean' <[SCarter1@cozen.com](mailto:SCarter1@cozen.com)>; Tarbutton, Joseph <[starbutton@cozen.com](mailto:starbutton@cozen.com)>; zJodi W. Flowers <[jflowers@motleyrice.com](mailto:jflowers@motleyrice.com)>; Goldman, Jerry <[jgoldman@andersonkill.com](mailto:jgoldman@andersonkill.com)>; 'Strong, Bruce' <[Bstrong@andersonkill.com](mailto:Bstrong@andersonkill.com)>; zRobert Haefele <[rhaefele@motleyrice.com](mailto:rhaefele@motleyrice.com)>; Megan Benett <[Mbenett@kreindler.com](mailto:Mbenett@kreindler.com)>

**Cc:** Kellogg, Michael K. <[mkellogg@kellogghansen.com](mailto:mkellogg@kellogghansen.com)>; Rapawy, Gregory G. <[grapawy@kellogghansen.com](mailto:grapawy@kellogghansen.com)>;

'rkry@mololamken.com' <[rkry@mololamken.com](mailto:rkry@mololamken.com)>; 'Nitz, Eric' <[enitz@mololamken.com](mailto:enitz@mololamken.com)>

**Subject:** [EXTERNAL] Re: In re: 9/11 - MPS materials

Counsel,

We are available for a meet and confer as necessary, but in order to involve fellow counsel a call will not be possible until after 3.30pm this afternoon, by which point I am confident that all your points will have been addressed.

To recap: since last night, I have instructed the tech team to have all the links to the individual documents removed or blocked.

They have been working to foreclose every possible means of accessing any individual item via the online document archive. I would welcome the assistance of counsel to identify any remaining individual links that still click through to particular documents as things stand (once the browser has been refreshed).

As I stated earlier, I will circulate an update once I have a reliable assurance that any outstanding glitches you identified have been dealt with.

Once all the MPS material is inaccessible to the public, held and treated as confidential, will you be content to proceed into the next phase of this exercise, and help us to identify specific individual items within the MPS Material that you seek to be redacted under your confidentiality designations?

Regards

Gavin

**Gavin Simpson**

Of Counsel



**Kreindler & Kreindler LLP**

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New York, NY 10017 · M: +1.212.810.9095 · Web: [www.kreindler.com](http://www.kreindler.com)

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---

**From:** Shen, Andrew C. <[ashen@kellogghansen.com](mailto:ashen@kellogghansen.com)>

**Date:** Friday, 29 April 2022 at 11:20

**To:** Gavin Simpson <[Gsimpson@kreindler.com](mailto:Gsimpson@kreindler.com)>, Steven R. Pounian <[Spounian@kreindler.com](mailto:Spounian@kreindler.com)>, Jim Kreindler <[JKreindler@kreindler.com](mailto:JKreindler@kreindler.com)>, Andrew J. Maloney <[AMaloney@kreindler.com](mailto:AMaloney@kreindler.com)>, 'Carter, Sean' <[SCarter1@cozen.com](mailto:SCarter1@cozen.com)>, zScott Tarbutton <[starbutton@cozen.com](mailto:starbutton@cozen.com)>, zJodi W. Flowers <[jflowers@motleyrice.com](mailto:jflowers@motleyrice.com)>, Goldman, Jerry <[jgoldman@andersonkill.com](mailto:jgoldman@andersonkill.com)>, 'Strong, Bruce' <[Bstrong@andersonkill.com](mailto:Bstrong@andersonkill.com)>, zRobert Haefele <[rhaefele@motleyrice.com](mailto:rhaefele@motleyrice.com)>, Megan Benett <[Mbenett@kreindler.com](mailto:Mbenett@kreindler.com)>

**Cc:** Kellogg, Michael K. <[mkellogg@kellogghansen.com](mailto:mkellogg@kellogghansen.com)>, Rapawy, Gregory G. <[grapawy@kellogghansen.com](mailto:grapawy@kellogghansen.com)>, 'rkry@mololamken.com' <[rkry@mololamken.com](mailto:rkry@mololamken.com)>, 'Nitz, Eric' <[enitz@mololamken.com](mailto:enitz@mololamken.com)>

**Subject:** RE: In re: 9/11 - MPS materials

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Gavin –

The individual documents are still publically available and Kreindler's April 27 public relations statement purporting to describe and linking to particular MPS documents still appears on Kreindler's website. Please let me know if you are available for a meet and confer at 1pm.

Regards,

Andy

---

**From:** Gavin Simpson <[Gsimpson@kreindler.com](mailto:Gsimpson@kreindler.com)>

**Sent:** Friday, April 29, 2022 10:00 AM

**To:** Shen, Andrew C. <[ashen@kellogghansen.com](mailto:ashen@kellogghansen.com)>; Steven R. Pounian <[Spounian@kreindler.com](mailto:Spounian@kreindler.com)>; Kreindler, James <[jkreindler@kreindler.com](mailto:jkreindler@kreindler.com)>; Maloney, III, Andrew <[amaloneyn@kreindler.com](mailto:amaloneyn@kreindler.com)>; 'Carter, Sean' <[SCarter1@cozen.com](mailto:SCarter1@cozen.com)>; Tarbutton, Joseph <[starbutton@cozen.com](mailto:starbutton@cozen.com)>; zJodi W. Flowers <[jflowers@motleyrice.com](mailto:jflowers@motleyrice.com)>; Goldman, Jerry <[jgoldman@andersonkill.com](mailto:jgoldman@andersonkill.com)>; 'Strong, Bruce' <[Bstrong@andersonkill.com](mailto:Bstrong@andersonkill.com)>; zRobert Haefele <[rhaefele@motleyrice.com](mailto:rhaefele@motleyrice.com)>; Megan Benett <[Mbenett@kreindler.com](mailto:Mbenett@kreindler.com)>  
**Cc:** Kellogg, Michael K. <[mkellogg@kellogghansen.com](mailto:mkellogg@kellogghansen.com)>; Rapawy, Gregory G. <[grapawy@kellogghansen.com](mailto:grapawy@kellogghansen.com)>; 'rkry@mololamken.com' <[rkry@mololamken.com](mailto:rkry@mololamken.com)>; 'Nitz, Eric' <[enitz@mololamken.com](mailto:enitz@mololamken.com)>  
**Subject:** [EXTERNAL] Re: In re: 9/11 - MPS materials

Counsel,

Further to yesterday's exchanges, Plaintiffs remain committed to handling all the MPS material in accordance with our duties and the Court's orders.

We agree to withhold the MPS Material from public access and treat it all as confidential for the time being, in order to give you a reasonable additional period of time to review the MPS material and revert to us with proposed designations of Confidential Information. You have had the materials for four weeks now and, up to today, you have still not pointed to any specific item of historical information relating to Omar al-Bayoumi that you claim should be designated as confidential.

I look forward to working collaboratively with counsel on the redaction process in the coming days.

Briefly, to address the technical aspects: since last night, we have been installing new protections on the searchable document archive. I can confirm that the principal website is no longer accessible from any new browser window. I am also having checks performed this morning to ensure that every individual document URL is similarly rendered inaccessible. I'm grateful to counsel for identifying one such glitch: I will revert with an update on that technical aspect once I have been assured that the issue has been dealt with.

Plaintiffs are using the MPS material solely for the purposes of the MDL, and we have made the materials available to counsel for all parties on the same basis, since April 1, 2022. Your repeated assertions regarding public relations efforts are unwarranted. The fact that the MPS material is presumptively public, not subject to any classification, has been made known to the Court and all parties, notably in Plaintiffs' filings on April 5, 2022.

Regards,

Gavin

**Gavin Simpson**  
Of Counsel

 **Kreindler & Kreindler LLP**  
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New York, NY 10017      M: +1.212.810.9095      Web: [www.kreindler.com](http://www.kreindler.com)

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**From:** Shen, Andrew C. <[ashen@kellogghansen.com](mailto:ashen@kellogghansen.com)>

**Date:** Friday, 29 April 2022 at 09:02

**To:** Gavin Simpson <[Gsimpson@kreindler.com](mailto:Gsimpson@kreindler.com)>, Steven R. Pounian <[Spounian@kreindler.com](mailto:Spounian@kreindler.com)>, Jim Kreindler <[JKreindler@kreindler.com](mailto:JKreindler@kreindler.com)>, Andrew J. Maloney <[AMalone@kreindler.com](mailto:AMalone@kreindler.com)>, 'Carter, Sean' <[SCarter1@cozen.com](mailto:SCarter1@cozen.com)>, zScott Tarbutton <[starbutton@cozen.com](mailto:starbutton@cozen.com)>, zJodi W. Flowers <[jflowers@motleyrice.com](mailto:jflowers@motleyrice.com)>, Goldman, Jerry <[jgoldman@andersonkill.com](mailto:jgoldman@andersonkill.com)>, 'Strong, Bruce' <[Bstrong@andersonkill.com](mailto:Bstrong@andersonkill.com)>, zRobert Haefele <[rhaefele@motleyrice.com](mailto:rhaefele@motleyrice.com)>, Megan Bennett <[Mbenett@kreindler.com](mailto:Mbenett@kreindler.com)>

**Cc:** Kellogg, Michael K. <[mkellogg@kellogghansen.com](mailto:mkellogg@kellogghansen.com)>, Rapawy, Gregory G. <[grapawy@kellogghansen.com](mailto:grapawy@kellogghansen.com)>, 'rkry@mololamken.com' <[rkry@mololamken.com](mailto:rkry@mololamken.com)>, 'Nitz, Eric' <[enitz@mololamken.com](mailto:enitz@mololamken.com)>

**Subject:** RE: In re: 9/11 - MPS materials

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Gavin –

We have not heard from you and do not have assurances that you will treat the MPS material as Confidential. The 9/11 document archive website now appears to require a password, however the individual links to the actual documents still work and are publically accessible. E.g., <https://vault.911documentarchive.com/bayoumi/61-D0722-X0736.pdf>. We have also become aware Kreindler has published its own statement regarding the MPS documents, with links to several MPS documents that are still active. [Trove of 9/11 Evidence Seized by U.K. Police in 2001 Now Made Public | Kreindler](#). It is evident that Kreindler continues to violate the MDL Protective Order by using discovery material for purposes other than prosecution of the MDL.

Please let us know by 10AM whether you will agree to treat all MPS material as Confidential until we can adequately review and whether you will be pulling down all public posting of the MPS material.

Regards,

Andy

---

**From:** Shen, Andrew C.

**Sent:** Thursday, April 28, 2022 8:08 PM

**To:** 'Gavin Simpson' <[Gsimpson@kreindler.com](mailto:Gsimpson@kreindler.com)>; Steven R. Pounian <[Spounian@kreindler.com](mailto:Spounian@kreindler.com)>; Kreindler, James <[jkreindler@kreindler.com](mailto:jkreindler@kreindler.com)>; Maloney, III, Andrew <[amalone@kreindler.com](mailto:amalone@kreindler.com)>; 'Carter, Sean' <[SCarter1@cozen.com](mailto:SCarter1@cozen.com)>; Tarbutton, Joseph <[starbutton@cozen.com](mailto:starbutton@cozen.com)>; zJodi W. Flowers <[jflowers@motleyrice.com](mailto:jflowers@motleyrice.com)>; Goldman, Jerry <[jgoldman@andersonkill.com](mailto:jgoldman@andersonkill.com)>; Strong, Bruce <[Bstrong@andersonkill.com](mailto:Bstrong@andersonkill.com)>; zRobert Haefele <[rhaefele@motleyrice.com](mailto:rhaefele@motleyrice.com)>; Megan Bennett <[Mbenett@kreindler.com](mailto:Mbenett@kreindler.com)>

**Cc:** Kellogg, Michael K. <[mkellogg@kellogghansen.com](mailto:mkellogg@kellogghansen.com)>; Rapawy, Gregory G. <[grapawy@kellogghansen.com](mailto:grapawy@kellogghansen.com)>; 'rkry@mololamken.com' <[rkry@mololamken.com](mailto:rkry@mololamken.com)>; Nitz, Eric <[enitz@mololamken.com](mailto:enitz@mololamken.com)>

**Subject:** RE: In re: 9/11 - MPS materials

Gavin –

The MDL Protective Order provides that “[a]ll Disclosure or Discovery Material (or any copies, summaries or abstracts thereof) produced in the course of the MDL shall be used *solely* for the purpose of the prosecution or defense of the MDL, or preparation of the MDL for trial.” ECF No. 1900 at 8 (emphasis added). This requirement is not limited to information that a party has designated confidential. There is no circumstance in which Kreindler & Kreindler LLP should

be publishing discovery material, particularly material that was obtained pursuant to a letter request issued by this Court.

To avoid unnecessarily burdening Judge Netburn with an emergency application, we are prepared to hold off filing such an application in order to meet and confer with you regarding this matter, if you agree to remove it from public view and treat it as confidential until our review is complete. We will review promptly but cannot commit to the seven-day timetable you propose.

As of the time of this e-mail the material is still publicly available. If it is still publicly available as of tomorrow morning, or we have not by then received your agreement to maintain it as confidential pending further discussions, we will file our emergency application.

Regards,

Andy

---

**From:** Gavin Simpson [<mailto:Gsimpson@kreindler.com>]

**Sent:** Thursday, April 28, 2022 5:41 PM

**To:** Shen, Andrew C. <[ashen@kellogghansen.com](mailto:ashen@kellogghansen.com)>; Steven R. Pounian <[Spounian@kreindler.com](mailto:Spounian@kreindler.com)>; Kreindler, James <[jkreindler@kreindler.com](mailto:jkreindler@kreindler.com)>; Maloney, III, Andrew <[amalone@kreindler.com](mailto:amalone@kreindler.com)>; 'Carter, Sean' <[SCarter1@cozen.com](mailto:SCarter1@cozen.com)>; Tarbutton, Joseph <[starbutton@cozen.com](mailto:starbutton@cozen.com)>; zJodi W. Flowers <[jflowers@motleyrice.com](mailto:jflowers@motleyrice.com)>; Goldman, Jerry <[jgoldman@andersonkill.com](mailto:jgoldman@andersonkill.com)>; Strong, Bruce <[Bstrong@andersonkill.com](mailto:Bstrong@andersonkill.com)>; zRobert Haefele <[rhaefele@motleyrice.com](mailto:rhaefele@motleyrice.com)>; Megan Bennett <[Mbenett@kreindler.com](mailto:Mbenett@kreindler.com)>

**Cc:** Kellogg, Michael K. <[mkellogg@kellogghansen.com](mailto:mkellogg@kellogghansen.com)>; Rapawy, Gregory G. <[grapawy@kellogghansen.com](mailto:grapawy@kellogghansen.com)>; [rky@mololamken.com](mailto:rky@mololamken.com); Nitz, Eric <[enitz@mololamken.com](mailto:enitz@mololamken.com)>

**Subject:** [EXTERNAL] Re: In re: 9/11 - MPS materials

Counsel,

I can advise, as I wrote earlier, that I am prepared to work closely with you, from today, to identify any documents or portions of documents within the MPS Material that may require to be designated as confidential and redacted accordingly.

For this purpose, Plaintiffs agree to embargo all of the MPS Material and remove it from public access for a period of seven full days, until Friday, May 6, 2022.

I'm content to have that embargo effected immediately, on the understanding that a further week of review – in addition to the past four weeks for which counsel has already had the MPS Material – is appropriate. Please confirm that my understanding in this regard is accurate.

I should reiterate that the MPS Material posted to the searchable document archive website (<https://911documentarchive.com>) is in fact rather less voluminous than the entire collection shared with counsel on April 1, 2022 – precisely because we have attempted, voluntarily, to take measures necessary to protect minors.

Specifically, Plaintiffs made best efforts to redact out video and photo images of Omar al-Bayoumi's children, as well as footage of family events or outings. We invested considerable time and diligent effort into this exercise. If you have identified residual video excerpts showing al-Bayoumi's children among the files posted to the document archive, then please kindly alert me to those directly, and I will ensure they are similarly redacted.

In this collaborative manner, the parties can ensure that legitimate protections are afforded to confidential information, whilst also honoring the Hague Convention disclosure under the authority of the U.K. High Court.

Finally, having worked diligently as an officer of the Court to secure the MPS Material as evidence in this litigation, I should be grateful if you would refrain from attempting to discredit the Hague Convention process by casting it as some kind of public relations effort.

Regards,

Gavin

**Gavin Simpson**  
Of Counsel



**Kreindler & Kreindler LLP**

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---

**From:** Shen, Andrew C. <[ashen@kellogghansen.com](mailto:ashen@kellogghansen.com)>

**Date:** Thursday, 28 April 2022 at 15:13

**To:** Gavin Simpson <[Gsimpson@kreindler.com](mailto:Gsimpson@kreindler.com)>, Steven R. Pounian <[Spounian@kreindler.com](mailto:Spounian@kreindler.com)>, Jim Kreindler <[JKreindler@kreindler.com](mailto:JKreindler@kreindler.com)>, Andrew J. Maloney <[AMaloney@kreindler.com](mailto:AMaloney@kreindler.com)>, 'Carter, Sean' <[SCarter1@cozen.com](mailto:SCarter1@cozen.com)>, zScott Tarbutton <[starbutton@cozen.com](mailto:starbutton@cozen.com)>, zJodi W. Flowers <[jflowers@motleyrice.com](mailto:jflowers@motleyrice.com)>, Goldman, Jerry <[jgoldman@andersonkill.com](mailto:jgoldman@andersonkill.com)>, Strong, Bruce <[Bstrong@andersonkill.com](mailto:Bstrong@andersonkill.com)>, zRobert Haefele <[rhaefele@motleyrice.com](mailto:rhaefele@motleyrice.com)>, Megan Bennett <[Mbenett@kreindler.com](mailto:Mbenett@kreindler.com)>

**Cc:** Kellogg, Michael K. <[mkellogg@kellogghansen.com](mailto:mkellogg@kellogghansen.com)>, Rapawy, Gregory G. <[grapawy@kellogghansen.com](mailto:grapawy@kellogghansen.com)>, [rky@mololamken.com](mailto:rky@mololamken.com) <[rky@mololamken.com](mailto:rky@mololamken.com)>, Nitz, Eric <[enitz@mololamken.com](mailto:enitz@mololamken.com)>

**Subject:** RE: In re: 9/11 - MPS materials

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Gavin –

It is entirely inappropriate to use the letters rogatory process to further Plaintiffs' public relations efforts. The materials posted on the website by the Kreindler firm are voluminous and we will need time to appropriately designate personal and private information as confidential. Even a cursory review reveals video showing Al Bayoumi's children as well as personal financial and other private information. If Plaintiffs do not pull all the material off of the public website immediately so that we can conduct an appropriate review, we will file an emergency motion with the Court. Please advise of your position today.

Regards,

Andy

---

**From:** Gavin Simpson <[Gsimpson@kreindler.com](mailto:Gsimpson@kreindler.com)>

**Sent:** Thursday, April 28, 2022 1:20 PM

**To:** Shen, Andrew C. <[ashen@kellogghansen.com](mailto:ashen@kellogghansen.com)>; Steven R. Pounian <[Spounian@kreindler.com](mailto:Spounian@kreindler.com)>; Kreindler, James <[jkreindler@kreindler.com](mailto:jkreindler@kreindler.com)>; Maloney, III, Andrew <[amaloneyn@kreindler.com](mailto:amaloneyn@kreindler.com)>; 'Carter, Sean' <[SCarter1@cozen.com](mailto:SCarter1@cozen.com)>; Tarbutton, Joseph <[starbutton@cozen.com](mailto:starbutton@cozen.com)>; zJodi W. Flowers <[jflowers@motleyrice.com](mailto:jflowers@motleyrice.com)>; Goldman, Jerry <[jgoldman@andersonkill.com](mailto:jgoldman@andersonkill.com)>; Strong, Bruce <[Bstrong@andersonkill.com](mailto:Bstrong@andersonkill.com)>; zRobert Haefele <[rhaefele@motleyrice.com](mailto:rhaefele@motleyrice.com)>; Megan Benett <[Mbenett@kreindler.com](mailto:Mbenett@kreindler.com)>  
**Cc:** Kellogg, Michael K. <[mkellogg@kellogghansen.com](mailto:mkellogg@kellogghansen.com)>; Rapawy, Gregory G. <[grapawy@kellogghansen.com](mailto:grapawy@kellogghansen.com)>; [kry@mololamken.com](mailto:kry@mololamken.com); Nitz, Eric <[enitz@mololamken.com](mailto:enitz@mololamken.com)>  
**Subject:** [EXTERNAL] Re: In re: 9/11 - MPS materials

Counsel,

We received your message this morning regarding the material produced by the Metropolitan Police Service (the "MPS Material").

I am familiar with both the content of the MPS Material and its handling, including its posting on a searchable document archive website (<https://911documentarchive.com>) at yesterday's date.

We do not accept your assertion that Plaintiffs have used the MPS Material to any purpose outside of this litigation.

On the contrary, we have handled the MPS Material – which was declassified and publicly disclosed by a United Kingdom law enforcement agency under the authority of the U.K. High Court – in a manner consistent with our duties, and with established practice under the Hague Convention process. In addition, we have voluntarily made best efforts to protect minors from any public exposure.

Regarding the process by which the MPS Material has been disclosed, I refer you to the statement of MPS Detective Superintendent McGillicuddy, at ECF No. 7832-1.

The MPS Material was disclosed after a review by a team of disclosure professionals over the course of many months. In particular, the MPS carried out a dedicated review that "sought to redact sensitive information, which largely comprised personal details (names, addresses, phone numbers, email addresses, etc) of people named in the documents," *Id.* at ¶ 14. You will note that I confirmed to the MPS, on behalf of Plaintiffs, that we have "no objection to the material being redacted in this way," *Id.* at ¶ 15, and that "the Applicants have agreed for this material to be redacted," *Id.* at ¶ 21.

Plaintiffs shared the entire collection of MPS Material with counsel for all parties to this litigation on April 1, 2022 – the day on which I verified the download of the last items. I have reported this fact to the Court in two separate filings: ECF No. 7832, at ¶ 13; and ECF No. 7922. In an email to Plaintiffs on April 4, 2022, you acknowledged that you had received the MPS Material, but neither at the time nor since did you alert us to your concern that there may be information you would seek to designate as confidential.

Plaintiffs notified the Court and all parties of the presumptively public status of the MPS Material in filings on April 5, 2022, ECF No. 7832, at ¶ 6 (see also: "none of the responsive materials are subject to any confidentiality protections or sealing orders," ECF No. 7831, at ¶ 2). DSI McGillicuddy's confirmed in his statement that the MPS Material is "no longer classified," because he personally, "as part of the [MPS] review, authorized the material to be disclosed." ECF No. 7832-1, at ¶ 20. As the producing party, the MPS has confirmed that it has no concerns about the publication of all the MPS Material.

Nonetheless, in recognition that the MPS Material contained some personal home videos (as well as some personal photographs) showing Omar al-Bayoumi's children, Plaintiffs have taken extensive precautionary measures in recent weeks. We removed portions of videos, photo collections and documents, and redacted further portions of photos and documents, in which images of the children were shown. Plaintiffs have posted only the redacted versions of those items to the online document archive.

Until your email this morning, no claim has been advanced – neither by the MPS Disclosure Officers, nor by the "partner agencies" with whom they liaised, *Id.* at ¶ 17, nor by any party in this litigation – that historical information relating to Omar al-Bayoumi should be protected or designated as confidential.

I wish to assure counsel, however, that on behalf of Plaintiffs I am quite prepared to work closely with you, from today, to identify any additional documents or portions of documents within the MPS Material that may require to be designated as confidential and redacted accordingly.

It appears that you have two outstanding areas of concern: Omar al-Bayoumi's bank account information and contact details. To the extent that you have already identified such information in any documents, or portions thereof, posted to the online document archive, please could you kindly send me a list of the relevant URNs in order that I can have them removed immediately for further review?

I am also prepared to begin searching the entire collection for such information and notifying you of any items that may warrant your consideration for designation as confidential information.

Please confirm that you are content to proceed in this manner.

Regards,

Gavin

**Gavin Simpson**

Of Counsel



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---

**From:** Shen, Andrew C. <[ashen@kellogghansen.com](mailto:ashen@kellogghansen.com)>

**Date:** Thursday, 28 April 2022 at 10:21

**To:** Steven R. Pounian <[Spounian@kreindler.com](mailto:Spounian@kreindler.com)>, Jim Kreindler <[JKreindler@kreindler.com](mailto:JKreindler@kreindler.com)>, Andrew J. Maloney <[AMaloney@kreindler.com](mailto:AMaloney@kreindler.com)>, Gavin Simpson <[Gsimpson@kreindler.com](mailto:Gsimpson@kreindler.com)>, 'Carter, Sean' <[SCarter1@cozen.com](mailto:SCarter1@cozen.com)>, zScott Tarbutton <[starbutton@cozen.com](mailto:starbutton@cozen.com)>, zJodi W. Flowers <[jflowers@motleyrice.com](mailto:jflowers@motleyrice.com)>, Goldman, Jerry <[igoldman@andersonkill.com](mailto:igoldman@andersonkill.com)>, Strong, Bruce <[Bstrong@andersonkill.com](mailto:Bstrong@andersonkill.com)>, zRobert Haefele <[rhaefele@motleyrice.com](mailto:rhaefele@motleyrice.com)>, Megan Benett <[Mbenett@kreindler.com](mailto:Mbenett@kreindler.com)>  
**Cc:** Kellogg, Michael K. <[mkellogg@kellogghansen.com](mailto:mkellogg@kellogghansen.com)>, Rapawy, Gregory G. <[grapawy@kellogghansen.com](mailto:grapawy@kellogghansen.com)>, [rkry@mololamken.com](mailto:rkry@mololamken.com) <[rkry@mololamken.com](mailto:rkry@mololamken.com)>, Nitz, Eric <[enitz@mololamken.com](mailto:enitz@mololamken.com)>  
**Subject:** In re: 9/11 - MPS materials

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you are expecting the link or attachment from the sender and know the content is safe.

Megan –

We learned for the first time yesterday that the Kreindler firm has posted the production made by the London Metropolitan Police Service (MPS) on the following website: <https://911documentarchive.com/>. It is clear that Plaintiffs are using this material for purposes other than litigating their claims.

As you know, the MPS materials contain Omar Al Bayoumi's private and personal information such as his bank account numbers, contact information, and identification. It also includes personal home videos showing his family and children.

Mr. Al Bayoumi is provisionally designating all of the material produced by MPS as Confidential under the MDL Protective Order. Once we have had the opportunity to fully review and designate the material, we will specify documents or portions of documents that will remain Confidential. Please confirm that you will remove all the material from your public website immediately.

Regards,

Andy

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